

AMENDED IN SENATE MARCH 26, 2004

**SENATE BILL**

**No. 1781**

**Introduced by Senator Knight**

February 20, 2004

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An act to ~~amend Section 12302 of~~ *add Section 12302.5* to the Penal Code, relating to destructive devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 1781, as amended, Knight. Destructive devices.

Existing law provides, subject to exceptions, that possession of any destructive device, as defined, is a crime.

This bill would provide an additional exception to those provisions for destructive devices ~~or explosives that are flamethrowers, as defined, for use~~ in connection with motion picture, television, and video production, or other entertainment events, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 12302 of the Penal Code is amended to~~  
2 *SECTION 1. Section 12302.5 is added to the Penal Code, to*  
3 *read:*  
4 *12302.5. Nothing in this chapter shall prohibit the sale to,*  
5 *purchase by, renting or lending to, or possession, transportation,*  
6 *storage, or use of, or manufacture, importation or exportation of,*  
7 *a flame throwing device as defined in paragraph (7) of subdivision*  
8 *(a) of Section 12301, by the holder of a special effects pyrotechnic*  
9 *operator's license first or second class issued pursuant to Section*

1 12578 of the Health and Safety Code for purposes related to the  
2 production of theatrical or television motion pictures, or video  
3 productions or entertainment events.

4 read:

5 ~~12302. (a) Nothing in this chapter shall prohibit the sale to,~~  
6 ~~purchase by, or possession, transportation, storage, or use of,~~  
7 ~~destructive devices or explosives by:~~

8 ~~(1) Any peace officer listed in Section 830.1 or 830.2, or any~~  
9 ~~peace officer in the Department of Justice authorized by the~~  
10 ~~Attorney General, while on duty and acting within the scope and~~  
11 ~~course of his or her employment.~~

12 ~~(2) Any member of the Army, Navy, Air Force, or Marine~~  
13 ~~Corps of the United States, or the National Guard, while on duty~~  
14 ~~and acting within the scope and course of his or her employment.~~

15 ~~(3) An authorized participant of a motion picture, television, or~~  
16 ~~video production or entertainment event in the course of making~~  
17 ~~that production or event or by an authorized employee or agent of~~  
18 ~~the entity producing that production or event, or by an authorized~~  
19 ~~employee or agent of a supplier of the device or explosive when~~  
20 ~~going directly to, or coming directly from, a motion picture,~~  
21 ~~television, or video production or entertainment event for the~~  
22 ~~purpose of providing that device to an authorized participant to~~  
23 ~~lawfully use as a part of that production or event.~~

24 ~~(b) Nothing in this chapter prohibits the sale to, or the purchase,~~  
25 ~~possession, transportation, storage, or use by any person who is a~~  
26 ~~regularly employed and paid officer, employee, or member of a~~  
27 ~~fire department or fire protection or firefighting agency of the~~  
28 ~~federal government, the State of California, a city, county, city and~~  
29 ~~county, district, or other public or municipal corporation or~~  
30 ~~political subdivision of this state, while on duty and acting within~~  
31 ~~the scope and course of his or her employment, of any equipment~~  
32 ~~used by that department or agency in the course of fire suppression.~~

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